

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16474 of Steve Choi on behalf of Capital University of Integrative Medicine, pursuant to 11 DCMR 3107.2. for a variance under Section 330.5 to use the premises as administrative offices on the first and second floors in an R-4 District at premises 1131 8th Street, N.E. (Square 908, Lot 40)

DECISION DATE: JULY 21,1999
DECISION DATE: JULY 21,1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register. and by mail to Advisory Neighborhood Commission (HNC) 6A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6A. ANC 6A. which is automatically a party to this application. submitted a report in support of this application submitted a report in support of this application.

As directed by 11 DCMR 3324.2. the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsection 330.5. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board. the Board concludes that the applicant has met the burden of proof. pursuant to 11 DCMR 3107. that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent. purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 3-0 (Betty King, John G. Parsons and Sheila Cross Reid to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUL 22 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38. THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38. AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987). AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16474/JKN

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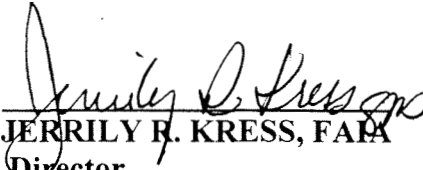


BZA APPLICATION NO. 16474

As Director of the Board of Zoning Adjustment, I certify and attest that on
_____ Jul 30 1999 _____ a copy of the decision entered on that date in this matter was
mailed first class, postage prepaid to each party in this case, and who is listed below:

James A. Merklinger, Esquire
1025 Connecticut Avenue, N.W., Suite 20G
Washington, D.C. 20036-5425

The Chairperson
Advisory Neighborhood Commission 6A
1132 4th Street, N.E.
Washington D.C. 20002

Attested By: 
JERRILY R. KRESS, F.A.A.
Director

At test/JKN